

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--|---|-------------------------------|
| APPLE INC., | } | Civil Action No. 22-1377 (MN) |
| Plaintiff, | } | |
| v. | } | |
| MASIMO CORPORATION and SOUND UNITED, LLC, | } | |
| Defendants. | } |) |

DEFENDANTS' MOTION TO CONSOLIDATE

Pursuant to Fed. R. Civ. P. 42(a), Defendants Masimo Corporation and Sound United, LLC move for an order consolidating this case with a companion case filed by Plaintiff Apple Inc. against Defendants: *Apple Inc. v. Masimo Corporation and Sound United, LLC*, Case No. 22-1378 (MN). The companion case was filed on the same day as this case and involves the same parties and the same accused product. The grounds for this motion are set forth in Defendants' Opening Brief and the Declaration of Brian Horne in Support of Defendants' Motion to Consolidate, both of which are filed concurrently herewith.

Pursuant to District of Delaware Local Rule 7.1.1, counsel for Defendants certify that they have met and conferred with opposing counsel regarding Defendants' Motion to Consolidate and that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion., but Plaintiff Apple indicated it would oppose the motion.

Respectfully submitted,

February 24, 2023

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